

A. J. CROZAT, JR.

JANUARY 31, 1956.—Committed to the Committee of the Whole House and
ordered to be printed

Mr. LANE, from the Committee on the Judiciary, submitted the
following

R E P O R T

[To accompany S. 1352]

The Committee on the Judiciary, to whom was referred the bill (S. 1352) for the relief of A. J. Crozat, Jr., having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

A similar bill passed the House in two previous Congresses and was not taken up by the Senate. Under the rules of this committee a bill which has passed the House twice will not be considered further until it has passed the Senate. Therefore, the present bill has passed the Senate and your committee recommends favorable consideration be given it.

The facts will be found fully set forth in Senate Report No. 858, this Congress, which is attached hereto and made a part of this report.

[S. Rept. No. 858, 84th Cong., 1st sess.]

The purpose of the proposed legislation, as amended, is to pay the sum of \$10,000 to A. J. Crozat, Jr., of New Orleans, La., in full settlement of all claims against the United States for personal injuries sustained as the result of the withdrawal of blood, to be used in the treatment of members of the Armed Forces of the United States, in New Orleans, La., on December 13, 1943.

STATEMENT

During 1943 an Army blood donor center was operated in New Orleans, La., under the administrative control of the southeastern area headquarters, American National Red Cross. All necessary medical operations were performed by Army medical officers on official duty and blood was entirely for the use of the Armed Forces.

On April 21, 1943, the claimant, A. J. Crozat, Jr., presented himself at the center and offered a donation. During the withdrawal of blood, Mr. Crozat felt weak and dizzy but later felt all right and returned to his office. On December 13, 1943, he again presented himself at the center and offered another donation. Prior to the donation, he was examined and his condition was found to be satisfactory. During the withdrawal of the blood, he became ill and was given stimulants. In a matter of a few hours after the donation, the claimant experienced paralysis of his face, arms, and legs. From that date to this he has suffered paralysis of the left side of his body and according to information contained in a letter from the Governor of the State of Louisiana, addressed to the Congress, a Dr. Mayo stated in a note dated September 28, 1954: "There is no prospect of rehabilitation beyond his present status. He is totally and permanently disabled for gainful employment."

Dr. Emmett Lee Irwin, of New Orleans, La., Mr. Crozat's family physician, on October 22, 1954, made a written statement in which he concluded: "It is not without reason and furthermore it is believed the withdrawal of the blood was responsible for the calamity experienced by Mr. Crozat."

Mr. Crozat at the time of this unfortunate incident was 44 years of age. Because of his age and bad eyesight, he had been rejected for service in the Armed Forces of the United States. He had decided to contribute to the defense of his country by making blood donations and the disaster which has befallen him is the result of his desire to serve his Government. Prior to his paralysis, the claimant was gainfully employed at a salary of \$3,000 per year. His health was good, and he supported his wife who was dependent upon him. Since his misfortune, he has been in and out of hospitals and has suffered tremendous financial expense aside from his loss of earning power and his pain and suffering.

The life expectancy of male persons, age 44, at the time of the incident was approximately 25 years. Mr. Crozat has suffered a considerable loss of anticipated income and is faced with the bleak prospect of invalidism for the rest of his life.

While concededly there is no legal responsibility on the part of the Government to compensate this individual for the loss he has suffered, nevertheless the committee does not feel the claimant should be required to bear alone the personal misfortune ensuing from his desire to serve his country in a worthwhile capacity. The claimant has spent his life savings, has lost his health, and his capacity to make a living, in a patriotic endeavor to be of assistance to his country.

This is not the first instance in which the Congress has recognized a moral responsibility to reimburse persons who have suffered injury during service to the Government although such service was not being rendered in an official capacity. For example, in the 82d Congress, a bill was approved awarding the sum of \$10,000 to a schoolteacher who was injured in an automobile accident while en route to receive instructions for conducting registrations under the Selective Training and Service Act of 1940. The Committee on the Judiciary, in its report on that legislation observed:

"To the committee this is a very appealing case. While it is acknowledged that Miss Floyd was technically not a Government employee at the time of her accident, she nevertheless was acting in response to a general request from the President of the United States communicated through the Governor of her State to Spartanburg for the purpose of performing duties for the United States Govern-

ment. She was a voluntary helper, it is true, but the committee does not feel that this should put her beyond the pale of Government assistance when injured while attempting to serve her country. In the opinion of the committee, it ill behoves the Federal Government in such a situation as this to insist that it is not legally liable for a reward to the claimant, * * *."

In view of the circumstances outlined above, the committee recommends favorable consideration of this legislation.

Appended to this report is the report of the Department of the Army submitted in connection with this claim, together with statements of several physicians, a list of expenses by the claimant's wife, a statement by the chairman of the New Orleans chapter of the American Red Cross urging approval of the claim, a letter from the Governor of the State of Louisiana dated October 7, 1954, and referred to earlier, and other pertinent data.

DEPARTMENT OF THE ARMY,
Washington, D. C., June 15, 1955.

HON. HARLEY M. KILGORE,
*Chairman, Committee on the Judiciary,
United States Senate.*

DEAR MR. CHAIRMAN: Reference is made to your request to the Secretary of Defense for the views of the Department of Defense with respect to S. 1352, 84th Congress, a bill for the relief of A. J. Crozat, Jr. The Secretary of Defense has delegated to the Department of the Army the responsibility for expressing the views of the Department of Defense thereon.

The Department of the Army on behalf of the Department of Defense is opposed to the above-mentioned bill.

This bill provides as follows:

"That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to A. J. Crozat, Junior, New Orleans, Louisiana, the sum of \$25,000. The payment of such sum shall be in full settlement of all claims of the said A. J. Crozat, Junior, against the United States on account of permanent physical disability resulting from the withdrawal of blood, to be used in the treatment of members of the Armed Forces of the United States, at a Red Cross blood donor center in New Orleans, Louisiana, on December 13, 1943."

During 1943 an Army blood donor center was operated in New Orleans, La., under the administrative control of the southeastern area headquarters of the American National Red Cross. The Red Cross provided the location and the facilities and obtained volunteer donors. However, all necessary medical operations were performed by Army medical officers, on official duty at the blood center and the product was entirely for the use of the Armed Forces. On April 21, 1943, A. J. Crozat, Jr., 1521 South Carrollton Avenue, New Orleans, La., presented himself at the center and offered a donation. During the withdrawal of blood Mr. Crozat felt weak and dizzy, but he does not appear to have reported the fact to anyone. Five hundred cubic centimeters of blood were withdrawn from him. The dizziness stopped after a short time, Mr. Crozat returned to his office, and suffered no ill effects thereafter. On December 13, 1943, he again came to the blood donor center and offered a donation. He was examined and his condition was pronounced satisfactory. Before any blood was withdrawn he executed the following release:

"I am voluntarily furnishing blood through the American Red Cross to be used by the Army and Navy of the United States or for civilian protection and for that purpose I am at my own risk submitting to the tests, examinations, and procedures customary in connection with donations of blood. I agree that neither the American National Red Cross nor any surgeons, physicians, technicians, nurses, agents or officers connected with any of them, or who may be participating otherwise in this work, shall be in any way responsible for any consequences to me resulting

from the giving of such blood or from any of the tests, examinations or procedures incident thereto, and I hereby release and discharge each and all of them from all claims and demands whatsoever which I, my heirs, executors, administrators or assigns have or may have against them or any of them by reason of any matter relative or incident to such donation of blood, and I agree that the above-mentioned organization may use in any way that they may deem advisable any balance or residue of the blood."

While the blood was being withdrawn Mr. Crozat again felt weak and dizzy. He reported this to the nurse and only about 250 cubic centimeters of blood were taken. He was given aromatic spirits of ammonia continuously during the bleeding and was allowed 15 minutes for recovery. Dizziness persisted but he felt better after about an hour and walked from the building and shortly thereafter was driven home by his wife. In succeeding hours his face, arm, and legs became weak and the family physician was called. Upon examination Mr. Crozat exhibited the usual symptoms of hemiplegia, which were diagnosed as being due to cerebral thrombosis. He was hospitalized in the Baptist Hospital, New Orleans, La., from December 14, 1943, until January 5, 1944. Upon discharge he remained in bed at home for a period of from 6 to 7 months. He returned to the Baptist Hospital on April 13, 1945, had one or more teeth extracted, and returned home on April 15, 1945. On July 30, 1945, he was admitted to Hotel Dieu, New Orleans, La., for a Stoffel's operation on the left knee to correct a spasticity that had developed. He was discharged from Hotel Dieu on September 3, 1945. By early 1946, he was able to walk with the aid of a cane but he still had a disability of approximately 25 percent of the left side of his face, 95 percent of the left arm, and 75 percent of the left leg.

The Department of the Army was advised by Dr. Mayo L. Emory, 3409 Coliseum Street, New Orleans, La., under date of April 12, 1955, as follows:

"This is to certify that Mr. A. J. Crozat, Jr., has been under my care since June 6, 1951. Mr. Crozat has been totally disabled since December 13, 1943, when he suffered a stroke while giving a blood transfusion. He has a right spastic hemiplegia which prevents him from carrying on his occupation effectively. He has by great physical effort and determination worked in a reduced capacity for variable periods of time in jobs provided through business friends. However, he has been unable to continue in employment for more than a short period of time because of physical disability, physical suffering, and emotional instability directly related to the cerebrovascular accident of 1943.

"During his illness his wife has worked to support him and to pay for medical expenses. There is no prospect of rehabilitation beyond his present status. He is totally and permanently disabled for gainful employment. The prospects are with advancing years that his mental condition will deteriorate further."

On October 22, 1945, Dr. Emmett Lee Irwin, New Orleans, La., Mr. Crozat's family physician, made the following written statement concerning the latter's illness:

"It was my privilege to see Mr. August J. Crozat about 3:30 p. m. on December 13, 1945, who gave the following history.

"He visited the blood bank of the Red Cross in New Orleans on the morning of December 13, 1943, where he volunteered to give some blood. It was understood that some blood was obtained, but due to an unusual feeling on the part of Mr. Crozat the full amount was not collected. Pressure prior to giving the blood was 140 and his pulse was rapid, in the neighborhood of 110 per minute. Upon leaving the blood bank he noticed his face felt numb and he could not hold a cigarette in his mouth. He thought about returning to the blood bank, but decided that it was weakness and thought he would go to the corner and eat a sandwich and drink a cup of coffee. Upon attempting to pay the check he found that he could not raise his left arm to get the change from his pocket. He felt drowsy and yawned, constantly suffering a severe headache. He went to his office at once and at 11 o'clock talked to his wife over the telephone who could hardly understand what he was saying. The wife came to the office to accompany him to the home and noticed that he was unsteady in his gait and stumbled when going upstairs. He was put to bed and a little later when going to the bathroom he fell.

"When seen by me, Mr. Crozat was in a rather listless state, rather dull and spoke with difficulty. There was a weakness in the left arm, left leg, and left side of the face. This became progressively more marked until both extremities were motionless.

"The following day there was cessation of kidney function temporarily. Mr. Crozat was moved to the Southern Baptist Hospital and Dr. P. H. Jones of this city was called in for consultation. The patient remained in the hospital for

some time and there has been a very slow and steady improvement in Mr. Crozat's condition.

"At the present time there is a partial paralysis of the left side of the face, a useless left forearm and hand, and a slightly usable lower extremity which is very spastic, hypersensitive and possesses a drop foot. It is believed that Mr. Crozat has reached the maximum of improvement.

"It is understood upon donating the blood to the blood bank some time previous to the above incident Mr. Crozat experienced some feeling of uneasiness and disturbance during the time the blood was being withdrawn. Very little concern was shown upon this occasion but on December 13, 1943, the catastrophe experienced by Mr. Crozat had its beginning during the time of withdrawal of the blood and immediately following the same.

"It is not without reason and furthermore it is believed that the withdrawal of the blood was responsible for the clammy experienced by Mr. Crozat."

On October 18, 1945, Dr. Phillip H. Jones, Jr., 150 Baronne Street, New Orleans, La., consulting physician called in by Dr. Irwin, made the following written statement:

"This is to state that on December 13, 1943, I visited Mr. August J. Crozat, Jr., at his home. He gave the following story:

"That on December 13, 1943, he had reported as a donor to give blood for the 'Red Cross'. By this he meant that collection of blood advertised by the Red Cross and collected by the Army.

"He was examined before donation and his condition was pronounced satisfactory at the station where the blood was to be given. During the process of donation, he felt bad. The taking of blood was stopped. He felt better after a pause and was able to walk out, and was driven home by his wife.

"In succeeding hours, his face, arm and leg became weak, and when examined on December 13, 1943, exhibited the classical syndrome of hemiplegia which was diagnosed as being due to cerebral thrombosis. He was treated in the Baptist Hospital from December 14, 1943 to January 5, 1944, and when last seen had shown some improvement but was still incapacitated."

On October 26, 1945, Dr. H. Theodore Simon, 301 Cahille Building, New Orleans, La., made the following written statement concerning his examination and treatment of Mr. Crozat:

"This is to advise that Mr. August J. Crozat, Jr., has been under treatment by me since February 12, 1945. His diagnosis was a left hemiplegia which involved his face, and left upper and lower extremities, and which from the history given by him, was due to a cerebral thrombosis, resulting from the withdrawal of blood at a Red Cross Blood Donor Center in New Orleans on December 13, 1943.

"Mr. Crozat presents the typical marked dysfunction, disability, and disfigurement seen in cases of spastic paralysis of one side of the body. Aside from physiotherapy and medication, he was operated on at Hotel Dieu, August 1945, and a Stoffel operation was done on the internal popliteal nerve on the left side, in an effort to relieve a marked equinus and varus deformity of the left foot. Some improvement has occurred in the left lower extremity; however, there still remains marked incapacity in this extremity. There is also present marked deformity of the left upper extremity, which makes this extremity practically useless. Some slight improvement may occur, however, I am of the opinion that a marked disability and dysfunction will remain."

On April 18, 1946, Maj. Alfred M. Glazer, Medical Corps, Chief of Medical Service at the New Orleans Port of Embarkation, made the following abstract of the record of Mr. Crozat's hospitalization at the Baptist Hospital, New Orleans:

"Patient admitted to the hospital Dec. 14, 1943, because of paralysis. History states that patient donated some blood to the Red Cross on December 13, 1943, and following this felt weak and dizzy and developed headaches. Associated with these symptoms was a progressive paralysis of the left side of the body. The past history was essentially normal except for an appendectomy. The physical examination showed nothing of note except for the paralysis of the left side of the face, the left arm and the left leg.

"The laboratory work was as follows: Urine, normal; RBC, 5,900,000; Hemoglobin, 103 percent; WBC, 16,000; Differential, not remarkable. Blood chemistry, including blood sugar, uric acid, urea, creatine and NPN, within normal limits. Blood Wassermann, Kahn, and Kline, negative. A CSF performed on December 18, 1943, presented WBC, 3; RBC, 10; Globulin, trace; Wassermann, negative. Colloidal Gold Curve, 0112100000. Pressure at start, 34 CN; pressure at end 17 CN.

"Patient discharged January 5, 1944, improved.

"Patient readmitted to hospital April 13, 1945, for extraction of teeth. A repeat Wassermann was negative. Patient discharged April 15, 1945."

On April 20, 1946, Major Glazer made the following abstract of the record of Mr. Crozat's hospitalization at Hotel Dieu:

"Patient admitted July 30, 1945, to Hotel Dieu. At that time he complained of a paralysis which had been present for 20 months. The paralysis was due to a stroke and involved the left side of the face, left arm, and left leg. The patient had been told by his physician that the paralysis was due to a blood clot. The physical examination showed nothing of note except for the paralysis mentioned above. Blood pressure 145/85. The laboratory work showed a normal urine and normal blood count. A Stoffels operation was performed on the left knee by Dr. H. Simon on July 31, 1945. The patient was discharged from the hospital on August 3, 1945."

On April 16, 1946, a complete medical history of Mr. Crozat was taken at the station hospital, New Orleans Port of Embarkation, and he was given a thorough physical examination by Maj. Frank M. Warner, Medical Corps, commanding officer; Maj. Alfred M. Glazer, Medical Corps, Chief of Medical Service; Capt. William H. Sternberg, Medical Corps, Chief of Laboratory Service; and Capt. John M. Manwaring, Medical Corps, Neuropsychiatric Section, all of the staff of said station hospital. The report of these officers reads as follows:

"History of A. J. Crozat, Jr., taken April 16, 1946.

"Chief complaint: Paralysis of left side of body.

"Present illness: In April 1943 patient wanted to do something to help out the war effort since he could not get into the Armed Forces. He was rejected because of visual difficulty. He decided the next best bit was to donate some blood to the Red Cross blood bank which he did in April 1943. During the withdrawal of blood he did not feel so good and became weak and dizzy. Blood pressure at that time 130/80 and 500 cc of blood removed. The dizziness passed off after a while and the patient dressed and went back to his office.

"In December 1943, the patient made a second appointment for a blood donation. (Blood pressure at that time 140/90, pulse 110.) During the donation of blood on December 13, 1943, he again felt weak and dizzy. He reported this to the nurse and was told subsequently that they took only about 250 cc of blood. He was given aromatic spirits continuously during the bleeding, and was allowed 15 minutes for recovery. The patient was then able to get off the table and decided to go across the street for a cup of coffee. This was about an hour after the transfusion. He lit a cigarette but noticed that he could not hold it properly in his mouth. After having his coffee he reached into his pocket but he noticed that he could not hold any money in his fingers. He then returned to his office and at that time noted he could not take his coat off, so he called his wife who called for him in their car. After driving home he noted stumbling and weakness of his leg in attempting to go upstairs. The family physician, Dr. Emmet Irwin, was called. He arrived in about 20 minutes. Dr. Irwin called in Dr. Phillip H. Jones in consultation and both diagnosed the case as blood clot. At that time the patient's left side was completely paralyzed and he was unconscious. That evening the patient was taken to the Baptist Hospital, 2700 Napoleon Avenue, New Orleans, La., where he remained until January 5, 1944.

"The hospital history is essentially the same as given by the patient later on. The physical examination showed nothing of note except for a paralysis of the left side of the face, the left arm and the left leg. The laboratory work presented the following: Urinalysis: Normal. RBC, 5,900,000. WBC, 16,000. Differential: Not remarkable. Blood chemistry, including blood sugar, uric acid, urea, creatin and MPN.: Within normal limits. Blood Wassermann, Kahn and Klein: Negative. The spinal puncture was performed on December 18, 1943, and the spinal fluid presented: WBC: 3. RBC: 10. Globulin: Trace. Wassermann: Negative. Colloidal Gold Curve: 0112100000. Spinal fluid pressure at start 34 cm. and at end 17 cm.

"Since leaving the hospital the general condition of the patient markedly improved although he was in bed for 6 or 7 months more.

"The patient was readmitted to the Baptist Hospital April 13, 1945, for extraction of teeth. He had been told by someone that his teeth might be causing some of the trouble. With this hospitalization a repeat Wassermann was negative. The patient was discharged April 15, 1945.

"The patient was admitted to Hotel Dieu, 2004 Tulane Avenue, New Orleans, La., July 30, 1945, by Dr. H. Simon. This hospitalization was for a Stoffel's operation on the left knee to correct a spasticity that had developed. The hospital physical examination and laboratory work were not remarkable and the operation was performed on July 31, 1945. The patient was discharged September 3 1945.

A further hospitalization has been suggested for a similar operation of the left arm.

"During present illness the patient was also seen by Dr. Guy A. Caldwell, of the Ochsner Clinic of New Orleans and has had very extensive physiotherapy. Patient has also seen Dr. Christian Anderson, a brain specialist.

"Patient's wife states that Mr. Crozat's personality has changed during the past 2 years. That 'he is not as quick, his reactions are very slow.' Patient has been back to work for the past several months for a couple of hours each morning. At first he had terrific pain in his seat and couldn't sit still 5 minutes but that is much better now. (At present the patient is able to almost completely dress himself and is able to walk even though with difficulty.)

"Past history: Operation: Appendectomy in 1929.

"Accidents: In 1923 patient was riding a 'jug jug' in Honduras and was thrown on the crossties and was momentarily dazed. This resulted in a small cut on the head.

"Illnesses: Usual childhood diseases of chickenpox, mumps, and German measles. Had malaria in 1922 and again in 1924. (At that time patient was living in Honduras.)

"Weight: 1943 about 160 pounds. Present weight 176 pounds and patient is about 5 feet 7 inches. Age 46.

"Cardiorespiratory: Negative.

"Gastrointestinal: Negative.

"Neuromusculatory: Patient denies any previous fainting spells, fits or periods of unconsciousness. Was of the easygoing disposition. No episodes of weakness.

"Bones and joints: Negative

"Head: Essentially normal. Has always worn glasses.

"Family history: Father living and well. Mother died in 1932 of some kidney ailment at the age of 58 or 60. One brother died in 1944 at the age of 42 of athletic heart. He did not have high blood pressure. One sister living and well. No family history of high blood pressure or diabetes. No family history of nervous diseases

"Marital history: "Married for 21 years. Wife living and well. One son 19, who is in good health and is in the Navy. Wife denies any miscarriages.

"Occupation: Patient was chief clerk in charge of the Louisiana State Insurance Commission in New Orleans.

"Habits: Noncontributory.

"Social history: Since the beginning of the present illness Mr. Crozat has needed outside financial assistance. They have sold their car and Mrs. Crozat has been working mornings for the past few months.

"Physical examination: Patient walks into room with the help of his wife and a cane. He is well developed and well nourished and of a cheerful cooperative disposition. There is apparent weakness of the left side of the face. The left arm shows some spasticity and almost complete paralysis. Left leg has moderate 'drag' and there is a mechanical support on this extremity.

"Physical examination of the head presents nothing of note except for facial weakness. (See Neurological following.) The eye grounds are remarkable

"The examination of the thorax shows extreme emphysema making the examination difficult. Cardiac impulse is not seen or felt. The heart is not percussible. The cardiac rate and rhythm are normal. The heart sounds are distant but of normal quality

"Blood pressure: 145/95 Pulse rate: 80.

"The lungs are resonant throughout and the breath sounds are clear.

"Abdomen: Not remarkable except for appendectomy scar.

"Complete neurological examination presented left facial weakness sparing the forehead; decreased strength of left arm and leg; and inability to extend fingers or wrist of left upper extremity. The flexion of the left fingers is very weak and forearm muscles are flabby and of less volume than on the right. There is some spasticity and frequent clonus of both left extremities on intention. There is diminished tactile pain and vibratory sensations of the left side. Absent Achilles and abdominal reflexes on left. Babinski plus on left. The deep reflexes of left upper and lower extremities are hyperactive. Positive Hoffman on left.

"Laboratory work: Blood: RBC: 4,500,000. WBC: 9,350. HB 106 percent. Differential: Polys: 63 percent. Lymphocytes 36 percent. Monocytes 1 percent. Blood chemistry: MPN 30. Blood Kahn: Negative.

"X-ray: Examination of chest reveals the pulmonary fields to be clear. The outline of the heart and aorta appears to be normal in size and contour.

"Impression: Hemiplegia with resulting disability of approximately 25 percent of the left side of face, 95 percent of the left arm and 75 percent of the left leg."

The entire file was examined by the Deputy Director, Neuropsychiatric Division, Office of the Surgeon General, War Department (now Department of the Army), who, on May 22, 1946, made the following comment thereon:

"The withdrawal of blood per se would in all probability not be related to a cerebral thrombosis.

"In the event that the pathological setting was there, excitement of any kind could serve as a trigger or precipitating mechanism.

"The case in question apparently did involve some excitement or physiological disturbance requiring spirits of ammonia and conceivably could be construed as a precipitating cause although not the main or primary cause."

On April 13, 1955, Mr. Crozat executed an affidavit as to his earnings since the accident and certain additional expenses incurred by him which, in pertinent part, is quoted below:

"My name is August J. Crozat, Jr. I live at 1521 South Carrollton Avenue, New Orleans, Louisiana. I am presently partially paralyzed. From December 13, 1943, to date, money earned by me from the following employment has been as follows:

The Borden Co., New Orleans, La.:	
October 1948 through December 1948, at \$175 a month.....	\$438
(I was a milk dispatcher on the loading platform.)	
Bienville Hotel, New Orleans, La.:	
April 1949 through March 1950, at \$85 a month.....	935
(I was, in a sense, a watchman, checking employees in and out to see that they did not take any hotel property out with them.)	
Walgreen Co., New Orleans, La.:	
April 1950 through July 1950, at \$27.50 a week.....	220
(I was a receiving clerk.)	
R. E. Schanzer, Inc., New Orleans, La.:	
February 1951 through February 1953, at \$30 a week.....	3, 120
Severance pay from R. E. Schanzer, Inc.....	200
(I was doing clerical work and was an assistant bookkeeper.)	
Total.....	4, 913

"The jobs at Borden's Bienville Hotel, and Walgreen's were temporary.

"The mentioned earnings and jobs with the respective companies are all of the employment that I have had since Dec. 13, 1943, to date. I am constantly seeking employment for any position which my present physical condition will permit. I am 55 years of age, and employers are very reluctant to hire people of my age, let alone a person with my physical handicap. Since submitting the amount of my expenses to Congress, I have had additional expenses, which are:

Milton H. Berry Foundation School, Houston, Tex., for muscular rehabilitation and paralysis correction:

From February 1948 through August 1948, which I believe was at \$45 a month.....	\$315
One short leg brace.....	75

Total..... 390

"While I was in this school, I lived with my sister. Consequently, I have no expenses for my food and lodging."

No information was furnished directly to the War Department or Department of the Army as to the expenses incurred by Mr. Crozat as a result of this incident or as to his earnings prior to such incident. No claim was ever filed with the War Department or Department of the Army arising out of this matter. Mr. Crozat was 44 years of age at the time when he was stricken. He was chief clerk in charge of the New Orleans office of the Louisiana State Insurance Commission. Mr. Crozat has a wife who was dependent upon him in December, 1943. She has been doing part time work since her husband's illness. Mr. Crozat also has a son who was 19 years of age at the time of his father's attack. The son is not dependent upon Mr. Crozat for support. The claimant has been unable to do work of any kind since the incident occurred, except as indicated above.

The evidence fairly establishes that the illness and disability of A. J. Crozat, Jr., was not caused by any fault or negligence on his part, but resulted from a coronary thrombosis which may have been precipitated by excitement incident to the blood donation which Mr. Crozat gave on December 13, 1943, although the latter was not the main or primary cause thereof. The evidence fails to establish any negligence on the part of Army or War Department personnel.

Mr. Crozat was given the usual physical examination before any blood was withdrawn and such examination revealed nothing out of the ordinary no did Mr. Crozat's past history reveal anything which would serve as a warning that the withdrawal of blood was dangerous to him, or that the operation should not be performed. The blood was withdrawn in a routine and proper manner and as soon as there was an indication of adverse reaction, the amount of such withdrawal was reduced, and the patient was administered spirits of ammonia. The entire evidence fairly establishes that Mr. Crozat's hypersensitivity to the withdrawal of blood was unpredictable and that it could not reasonably have been foreseen by responsible personnel at the blood donor center. On at least one prior occasion Mr. Crozat had donated a full quota of blood at the same blood center without experiencing any serious adverse effects. In the absence of negligence or other tortuous act on the part of military personnel or civilian employees of the War Department or of the Army, acting within the scope of their employment, any claim filed with the War Department (now Department of the Army) for medical and hospital expenses pursuant to the provisions of the act of July 3, 1943 (57 Stat. 372; 31 U. S. C. 223b), as amended, would necessarily have been disapproved. It further clearly appears that Mr. Crozat, in volunteering a blood donation, fully assumed the risk of any adverse consequences that might result therefrom. Immediately prior to the blood withdrawal he voluntarily executed the full waiver and release hereinbefore quoted. It is a fundamental principle of law that, under such circumstances, no legal liability exists. The rule is stated in Harper's Law of Torts at pages 26 and 27, as follows:

"If the person who sustains harm has given his full and free assent to the conduct on the part of the defendant which created the threat or risk, with reasonable knowledge as to the hazards involved, he must assume the risk of harm and can not complain if the threat materializes into actual damage. * * * [The law] demands a certain responsibility by each individual for his own safety and requires him to exercise his own judgment as to what hazards of social intercourse he shall subject himself to. Where action is free and unimpaired, the citizen must accept the results as they come. The law imposes no duty upon others to protect a person against a risk to which he deliberately and voluntarily exposes himself."

In the absence of negligence on the part of military or War Department personnel, there is no distinction between the present case and similar cases where blood is withdrawn for the use of Armed Forces by Red Cross personnel, by civilian doctors or by other volunteers. In either event the only possible basis upon which to predicate any liability on the part of the Government is the fact that the blood to be obtained was for its benefit. In view of the absence of negligence on the part of Army or War Department personnel and the explicit assumption of risk by Mr. Crozat, this is insufficient. It is, accordingly, the view of the Department of the Army that there is no legal or equitable basis for a claim by Mr. Crozat against the United States on account of the injuries sustained by him. While this unfortunate occurrence is deeply regretted, in the absence of any legal or equitable basis for Mr. Crozat's claim, the payment of any sum to him would be in the nature of a gratuity. Accordingly, the Department of the Army recommends that this bill be not favorably considered.

The War Department rendered a substantially similar report on H. R. 5492, 79th Congress, a bill which would have awarded \$15,000 to Mr. Crozat for his disability, but upon which no action was taken. A similar bill, H. R. 984, was introduced in the 80th Congress for Mr. Crozat's relief but was not acted upon. H. R. 1452, a similar bill introduced in the 81st Congress, was favorably reported by the Committee on the Judiciary with the recommendation that the amount be reduced from \$15,000 to \$7,026.38, but no action was taken thereon by the House of Representatives.

The cost of this bill, if approved, will be \$25,000.

The Bureau of the Budget advises that there is no objection to the submission of this report.

Sincerely yours,

ROBERT T. STEVENS,
Secretary of the Army.

NEW ORLEANS 18, LA., April 4, 1947.

Hon. HALE T. BOGGS,
Congress of the United States, Washington, D. C.

DEAR MR. BOGGS: In answer to your telegram requesting the complete record of Mr. Crozat's expenditures from the beginning of his illness to date, I am listing below the approximate amount that I have spent in this connection:

Baptist Hospital.....	\$191. 50
Ambulance to and from hospital.....	12. 00
Dr. Emmett Irwin.....	200. 00
Dr. P. H. Jones.....	50. 00
Dr. Gilbert Anderson.....	25. 00
Physical therapy, Touro Infirmary.....	90. 00
Dr. Caldwell.....	16. 00
Installation of bath downstairs for heat treatments.....	299. 30
Sold car so had to use taxicab to Touro for treatments.....	100. 00
Dr. McComisky, no charge because of circumstances causing disability.	
Dr. Victor Smith, bill not rendered because of circumstances causing disability.	
Glasses.....	20. 00
Brace for leg.....	6. 00
Dr. Theo Simon (operation on leg and diathermia galvanic treatment).....	350. 00
Hotel Dieu.....	60. 50
Brace for arm.....	16. 48
Dr. Leopold Levy.....	40. 00
Baptist Hospital.....	29. 60
Medicine.....	500. 00

This bill includes prostigmin hypodermic ampoules given twice daily for approximately 7 months, \$140; vitamin B-1 complexes, \$37.

Dr. Rader, Houston, Tex., March 1947 to date.....	20. 00
	<hr/> 2, 026. 38

If any further information is needed, I shall be glad to furnish it. He is under the doctor's care in Houston, Tex., at the present time and an arm operation has been advised.

Sincerely,

(Mrs. A. J.) LEILA P. CROZAT.

OCTOBER 22, 1945.

To Whom It May Concern:

It was my privilege to see Mr. August J. Crozat about 3:30 p. m. on December 13, 1943, who gave the following history:

He visited the blood bank of the Red Cross in New Orleans on the morning of December 13, 1943, where he volunteered to give some blood. It was understood that some blood was obtained, but due to an unusual feeling on the part of Mr. Crozat the full amount was not collected. Pressure prior to giving the blood was 140 and his pulse was rapid, in the neighborhood of 110 per minute. Upon leaving the blood bank he noticed his face felt numb and he could not hold a cigarette in his mouth. He thought about returning to the blood bank, but decided that it was weakness and thought he would go to the corner and eat a sandwich and drink a cup of coffee. Upon attempting to pay the check he found that he could not raise his left arm to get the change from his pocket. He felt drowsy and yawned, constantly suffering a severe headache. He went to his office at once and at 11 o'clock talked to his wife over the telephone who could hardly understand what he was saying. The wife came to the office to accompany him to the home and noticed that he was unsteady in his gait and stumbled when going upstairs. He was put to bed and a little later when going to the bathroom he fell.

When seen by me, Mr. Crozat was in a rather listless state, rather dull and spoke with difficulty. There was a weakness in the left arm, left leg, and left side of the face. This became progressively more marked until both extremities were motionless.

The following day there was cessation of kidney function temporarily. Mr. Crozat was moved to the Southern Baptist Hospital and Dr. P. H. Jones of this city was called in for consultation. The patient remained in the hospital for some

time and there has been a very slow and steady improvement in Mr. Crozat's condition.

At the present time there is a partial paralysis of the left side of the face, a useless left forearm and hand, and a slightly usable lower extremity which is very spastic, hypersensitive, and possesses a drop foot. It is believed that Mr. Crozat has reached the maximum of improvement.

It is understood upon donating the blood to the blood bank some time previous to the above incident, Mr. Crozat experienced some feeling of uneasiness and disturbance during the time the blood was being withdrawn. Very little concern was shown upon this occasion but on December 13, 1943, the catastrophe experienced by Mr. Crozat had its beginning during the time of withdrawal of the blood and immediately following the same.

It is not without reason and furthermore it is believed the withdrawal of the blood was responsible for the calamity experienced by Mr. Crozat.

Respectfully yours,

EMMETT LEE IRWIN, M. D.

NEW ORLEANS, LA., October 26, 1945.

To Whom It May Concern:

This is to advise that Mr. August J. Crozat, Jr., has been under treatment by me since February 12, 1945. His diagnosis was a left hemiplegia which involved his face, and left upper and lower extremities, and which from the history given by him, was due to a cerebral thrombosis, resulting from the withdrawal of blood at a Red Cross blood-donor center in New Orleans on December 13, 1943.

Mr. Crozat presents the typical marked dysfunction, disability, and disfigurement seen in cases of spastic paralysis of one side of the body. Aside from physiotherapy and medication, he was operated at Hotel Dieu, August 1945, and a Stoffel operation was done on the internal popliteal nerve on the left side, in an effort to relieve a marked equinus and varus deformity of the left foot. Some improvement has occurred in the left lower extremity; however, there still remains marked incapacity in this extremity. There is also present marked deformity of the left upper extremity, which makes this extremity practically useless. Some slight improvement may occur, however, I am of the opinion that a marked disability and dysfunction will remain.

Very truly yours,

H. THEODORE SIMON, M. D.

NEW ORLEANS, LA., October 18, 1945.

To Whom It May Concern:

This is to state that on December 13, 1943, I visited Mr. Auguste J. Crozat, Jr., at his home. He gave the following story:

That on December 13, 1943, he had reported as a donor to give blood for the Red Cross. By this he meant that collection of blood advertised by the Red Cross and collected by the Army.

He was examined before donation and his condition was pronounced satisfactory at the station where the blood was to be given. During the process of donation, he felt bad. The taking of blood was stopped. He felt better after a pause and was able to walk out, and was driven home by his wife.

In succeeding hours, his face, arm, and leg became weak, and when examined on December 13, 1943, exhibited the classical syndrome of hemiplegia, which was diagnosed as being due to cerebral thrombosis. He was treated in the Baptist Hospital from December 14, 1943, to January 5, 1944, and when last seen had shown some improvement but was still incapacitated.

Very truly yours,

PHILIP H. JONES, Jr., M. D.

THE AMERICAN RED CROSS,
NEW ORLEANS CHAPTER,
New Orleans 18, La., January 7, 1947.

To Whom It May Concern:

I desire to commend for serious and sympathetic consideration, the very distressing case of Mr. August J. Crozat, Jr., whom I consider virtually a casualty of the late war.

Mr. Crozat responding to the appeal of the American National Red Cross for blood donors decided that it was his patriotic duty and on the 13th day of De-

cember 1943 presented himself at the Red Cross blood donor's center in New Orleans and offered to donate his blood for the benefit of the armed forces, neither he, nor the Red Cross, had an inkling of the dire circumstances to follow this patriotic gesture.

As chairman of the New Orleans Chapter of the American National Red Cross, I am particularly distressed to learn of his condition, which resulted from his desire to be of service to his country. I think that his request for Government relief is entirely proper, and I hope it will meet with favorable action by the present Congress. It is the single case this far that has come to my attention.

Respectfully,

ALLISON OWEN,

Chairman, New Orleans Chapter, American National Red Cross.

STATEMENT OF A. J. CROZAT, JR.

Feeling that I should do something for my country I tried to enlist first in the Navy, then the Army, and was given a physical examination in each instance and passed all tests excepting for an astigmatic condition of my eyes which together with my age, 44, was responsible for my not being accepted. I determined on other avenues of service, one of which was donating blood to the Red Cross blood bank for which I arranged an appointment and after the required interval of time had elapsed, I returned a second time.

I reported for my second donation on December 13, 1943, and was given the usual checkup and found physically fit.

Mrs. Higginbotham was the nurse in attendance.

Shortly after they started I began to feel weak and I told the nurse I had felt pretty bad after my first donation. She told my wife that they had stopped before taking the full amount of blood. I went in the back and drank a Coca-Cola and a cup of coffee.

On leaving the blood bank my face felt numb and I found I wouldn't hold a cigarette in my mouth. I thought of returning to blood bank but decided that I was just weak and would get a sandwich and coffee. In paying check I found I could not raise my left arm to get money from my vest pocket. I was very sleepy and yawned constantly and had a terrific headache. I phoned my wife about 11 but she could hardly understand me. My wife dressed and went down immediately and took me home. I stumbled going upstairs. My wife undressed me and called Dr. Irwin. He prescribed sweetened orange juice and aspirin to relieve pain and told my wife to call him within half an hour. As I tried to go to the bath within that time I fell as my leg was then affected. Dr. Irwin came up and after examining me called in Dr. P. H. Jones in consultation. On the 14th, my kidneys did not function, so at 11:30 p. m. I was taken to Baptist Hospital where I remained $3\frac{1}{2}$ weeks.

PARTIAL LIST OF EXPENSES

Baptist Hospital.....	\$191.50
Ambulance to and from hospital.....	12.00
Dr. Emmett Irwin.....	200.00
Dr. P. H. Jones.....	50.00
Dr. Gilbert Anderson.....	10.00
(A bill for 2 more visits has not been rendered).....	5.00
Physical therapy tour, approximately.....	90.00
Installation of bath (downstairs).....	299.30
Sold our car so had to use taxicabs to Touro for treatments and also to and from office—about.....	100.00
Dr. McComisky—home visit but bill not rendered to date.	
Dr. Victor Smith and assistant, 1 office visit, 2 home visits, bill not rendered.	
Glasses.....	20.00
Brace for leg.....	6.00
Dr. Caldwell.....	10.00
Dr. Theo Simon—operation on leg and diathermia galvanic treatment for 10 months. Not finished and bill not rendered.	
Another operation will be necessary on my arm.	

THE EQUITABLE LIFE ASSURANCE SOCIETY,
OF THE UNITED STATES,
New Orleans, La., March 20, 1947:

Mrs. A. J. CROZAT, Jr.,
New Orleans, La.

DEAR MRS. CROZAT: The life expectancy of a male person at age 44, according to the American Experience Table of Mortality used by most life insurance companies, is 25.3 years.

Very truly yours,

W. F. STIGLER, *Cashier*:

LOUISIANA INSURANCE COMMISSION,
New Orleans, La., March 13, 1947.

Mr. A. J. CROZAT, Jr.,
1521 South Carrollton Avenue, New Orleans, La.

DEAR MR. CROZAT: As requested I have checked the records of this office and am pleased to certify to the period of your employment, your classification and your compensation.

Your employment as chief clerk of this office dates from January 1941.

According to our records you were disabled on December 13, 1943. Your salary was \$3,000 per year.

You were granted special extension of sick leave, with pay upon our request of the State department of civil service, because of the circumstances surrounding your illness and resulting disability.

When you returned to the office during September 1944, it was hoped that your condition would improve, but after an extended trial period you were requested to take a leave of absence without pay, beginning April 1, 1945.

Your compensation therefore ended with the payment of your salary for the month ending May 31, 1945.

Your connection with this office was finally terminated on October 1 1945, it being evident that you would not be able to resume your duties.

It was with a great deal of regret that it became necessary for us to terminate your employment, and it was out of consideration of your efficient and loyal service that we had requested for you and obtained from the proper authorities the unusual extensions of sick leave and leave of absence.

With best wishes, we are

Yours very truly,

LOUISIANA INSURANCE COMMISSION,
By FRANK E. RAINOLD, *Secretary*.

NEW ORLEANS, May 31, 1955.

Senator JAMES O. EASTLAND,
Senate Office Building, Washington, D. C.

DEAR SENATOR EASTLAND: This letter is written to you concerning Mr. August J. Crozat, Jr., of this city. On December 13, 1942, at about 3:30 p. m. I was called to see Mr. Crozat, at which time he was suffering from a severe headache, was drowsy and listless and spoke with some difficulty. There was also a weakness of the left arm, left leg, and left side of the face which became progressively worse, resulting in left hemiplegia. This illness had its beginning while Mr. Crozat was having blood withdrawn at the blood donor center of the Red Cross in New Orleans during the morning of December 13, 1943. While the blood was being withdrawn, he experienced an unusual feeling and the full amount was not collected. His blood pressure, prior to giving the blood, was 140 systolic, 90 diastolic, and pulse rate 110 per minute. It is not known to me what procedure was followed in the collection of blood at the blood center.

It is my opinion that Mr. Crozat's condition had its beginning while the blood was being withdrawn and that the rapid lowering of the blood pressure brought a slowing of the flow of blood in the cerebral vessels causing a cerebral thrombosis and was responsible for the catastrophe experienced by Mr. Crozat.

Respectfully,

EMMETT LEE IRWIN, M. D.

STATE OF LOUISIANA,
EXECUTIVE DEPARTMENT,
Baton Rouge, October 7, 1954.

*To the Honorable the President and Members of the Senate
To the Honorable the Speaker and Members of the House of Representatives
constituting the Congress of the United States*

GENTLEMEN: This is a request for your kind and careful consideration of the situation of Mr. A. J. Crozat, Jr., in whose behalf a bill has been introduced to you for reasonable compensation for the loss of his ability to earn a livelihood under the following circumstances.

Mr. Crozat visited the blood bank of the Red Cross in New Orleans on the morning of December 13, 1943, and volunteered to give blood. Some blood was obtained but due to an unusual feeling on the part of Mr. Crozat the full amount was not collected.

Immediately, Mr. Crozat lost the use of his left arm and left leg and according to Dr. Mayo, in a note dated September 28, 1954, "there is no prospect of rehabilitation beyond his present status. He is totally and permanently disabled for gainful employment."

Dr. Emmett Lee Irwin states in part "it is not without reason and furthermore is believed the withdrawal of the blood was responsible for the calamity experienced by Mr. Crozat."

Dr. H. Theodore Simon of New Orleans states in part "his diagnosis was a left hemiplegia * * * and which from the history given by him was due to a cerebral thrombosis resulting from the withdrawal of blood at a Red Cross donor center * * *"

Mr. Cravens, from the Committee on the Judiciary, in Report No. 354 to the House of Representatives, 80th Congress, stated in part "Physicians in New Orleans and Major Alfred M. Glazer, chief of medical service at the New Orleans Port of Embarkation, are unanimous in the conclusion that the withdrawal of the blood was entirely responsible for the calamity which befell Mr. Crozat, who was a well and healthy man in the prime of life before the experience."

The fact that Mr. Crozat and his family made no effort during the time of the war to secure any compensation or in any way to publicize the catastrophe to him personally for fear the adverse publicity would harm the blood banks when they were so urgently needed by the Armed Forces, is to me indicative of the high character of Mr. Crozat and his family.

Even though Mr. Crozat signed a complete release of all responsibility to the Red Cross, and in spite of his lack of legal status to secure compensation, I ask your sympathetic consideration for a man who was hale and hearty and whose present pitiable condition is the outcome of a sincere patriotic act.

Sincerely,

ROBERT F. KENNON